

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

---

**WELLS FARGO BANK, N.A.,  
as Trustee,**

Plaintiff,

**Case No. 09-CV-768**

**-vs-**

**LAKE OF THE TORCHES ECONOMIC  
DEVELOPMENT CORPORATION,**

Defendant.

---

**ORDER**

---

Upon consideration of the briefs, affidavits, declarations and exhibits submitted in this matter, the Court finds that the Trust Indenture is a management contract that was executed without prior approval from the National Indian Gaming Commission. *See 25 U.S.C. § 711(a)(1).* Without prior approval, the entire contract is void *ab initio*. *See First American Kickapoo Operations, L.L.C. v. Multimedia Games, Inc.*, 412 F.3d 1166, 1176 (10th Cir. 2005); 25 C.F.R. § 533.7.

Therefore, this case is **DISMISSED**. A written opinion will be issued in due course.

Dated at Milwaukee, Wisconsin, this 6th day of January, 2010.

**SO ORDERED,**

s/ Rudolph T. Randa  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**